

PALAU 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Palau is a constitutional republic with a national government consisting of independent executive, legislative, and judicial branches. Voters directly elect the president, vice president, and members of the legislature for four-year terms. In November 2020 voters elected Surangel Whipps, Jr. president in a generally free and fair election.

The Bureau of Public Safety supervises the Division of Maritime Security and is responsible for law enforcement and maintenance of order; the bureau reports to the minister of justice. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of serious government corruption.

The government took steps to investigate and prosecute officials who committed abuses such as corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports or disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison and detention center conditions were inadequate and did not meet the international standards.

Physical Conditions: The country's only jail, in Koror, with a capacity of 58 prisoners, held 77 prisoners as of September; 74 were men, and three women. There were separate prison cells for male and female prisoners.

There was no infirmary in the jail. Police escorted ill prisoners to the emergency room at the national hospital and guarded them there.

Administration: There were no known reports of mistreatment. The Office of the Ombudsman, vacant since 2016, is not independent.

Independent Monitoring: There were no requests for human rights observers to visit prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests, and officials observed the law. The Office of the Attorney General or the Office of the Special Prosecutor prepares warrants, and a judge signs them. The law provides for a prompt judicial determination of the legality of detention, a requirement authorities observed. Authorities informed detainees promptly of charges against them and provided prompt access to family members and lawyers. If a detainee could not afford a lawyer, the public defender

or a court-appointed lawyer was available. There is a functioning system of bail.

An arrested person has the right to remain silent and to speak to and receive visits from counsel, family members, or the person's employer. Authorities must release or charge those arrested within 24 hours, and authorities must inform detainees of these rights.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Judges conduct trials and render verdicts. Defendants enjoy a presumption of innocence, the right to be informed promptly and in detail of charges, to a fair and public trial without undue delay, to be present at their trial, to consult with an attorney of choice (or have one provided at public expense), and to adequate time and facilities to prepare a defense. Defendants are entitled to free interpretation services as necessary from the moment charged through all appeals. Defendants may question witnesses and present evidence on their own behalf. They cannot be compelled to testify or confess guilt, and they have the right to appeal. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communication without the appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status. The government provided some protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the November 2020 presidential and legislative elections, voters elected Surangel Whipps Jr. as president; observers judged the elections generally free and fair.

Participation of Women and Members of Minority Groups: No laws prohibit or limit the participation of women or members of historically marginalized or minority groups in the political process, and they did participate. In the November 2020 election, two women were elected – one to the 13-seat Senate, and one to the 16-seat House of Delegates. The vice president, elected separately from the president, is a woman.

Section 4. Corruption and Lack of Transparency in

Government

Government corruption was a problem, and the government took some steps to address it. The law provides criminal penalties for corruption of and by officials. The Office of the Special Prosecutor, an independent entity, is authorized to prosecute all acts of corruption in the government. There were isolated reports of government corruption during the year.

Corruption: The Office of the Special Prosecutor continued to receive reports of corruption and mismanagement of public funds.

On April 8, a court issued a judgment as part of the plea agreement by the former governor of Angaur, Marvin Ngirutang, for him to make payments toward \$72,905.53 in fines owed to the state of Angaur. On August 19, Ngirutang violated his probation by failing to make his monthly payment, and the court subsequently ordered him to report to jail to serve his term of imprisonment. He was later released and resumed his payments.

On October 14, the former governor of Ngiwal State, Ellender Ngirameketii (son-in-law of former president Thomas Remengesau, Sr.), was sentenced after his conviction in July for misconduct in office, code of ethics violations, social security violations, and unified tax violations. He was sentenced to 18 months' imprisonment (suspended) and placed on five years' probation, fined \$674,658, and barred from Ngiwal State employment or public office. Ngirameketii has appealed the conviction and sentencing. He was arrested in July 2019, but his trial was delayed due to COVID-19 travel restrictions.

On November 9, Airai State government procurement officer Vilma Yoshiwo was found guilty of misconduct in public office, violation of the code of ethics, and theft of government property in the first degree for using government resources to build her personal residence. She was sentenced to 18 months' incarceration (suspended), and ordered to pay fines and restitution totaling \$5,269.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the President includes an Office of the Ombudsman, but the position has been vacant since 2016. The government held numerous meetings and training sessions on human rights topics during the year. The special prosecutor held outreach sessions throughout the country to inform community members of their right to complain to her office anonymously. She also created a website for citizens to lodge complaints, which received complaints that were investigated.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment, a substantial fine, or both. Domestic violence is a criminal offense. The law is enforced when police respond to calls of domestic violence; however, many persons are reluctant to call police in these situations due to societal pressure. A nongovernmental organization (NGO), *Semesemel Klengeakel* Organizations (Strengthening Family) helped families at high risk of domestic violence with counseling sessions and services, working closely with the Ministries of Justice and Health.

Sexual Harassment: Sexual harassment is illegal and punishable by a maximum of one year's imprisonment, a fine, or both. On September 13, the former president of the Angaur State legislature, Leon Gulibert, was convicted of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception.

Discrimination: The law provides the same legal status and rights for women and men. The inheritance of property and of traditional rank, however, is matrilineal. There were no reports of unequal pay for equal work or gender-related job discrimination. The government generally enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

While the constitution outlines the fundamental rights of every person, it does not explicitly protect racial or ethnic minorities from violence or discrimination. Authorities did not pursue or prosecute crimes committed against foreigners with the same vigor as crimes against citizens.

The law prohibits noncitizens from purchasing land, and there are no provisions for naturalization. Some foreign nationals experienced discrimination in employment, pay, housing, education, and access to social services, although the law prohibits such discrimination.

Children

Birth Registration: Citizenship derives from one's parents; either parent may convey citizenship. Authorities registered births immediately. Authorities register a child born to foreign national parents as a citizen of the parents' countries.

Child Abuse: By law medical staff, teachers, police, and any other person authorized to provide care for a child must report suspected incidents of child abuse. Failure to report is a misdemeanor punishable by not more than one year's imprisonment, a fine, or both. Child abuse is punishable by up to five years' imprisonment, a fine, or both.

Child, Early, and Forced Marriage: There is no minimum age for marriage between two citizens. The minimum age for marriage between a citizen and a noncitizen is 18 for a man and 16 for a girl, and girls younger than 18 must obtain parental permission. Underage marriage was not common.

Sexual Exploitation of Children: The law does not explicitly prohibit child pornography; it does prohibit the commercial sexual exploitation of children, and the law was enforced. The age of consensual sex is 17. Sexual assault of a minor

younger than age 15 is a felony and is subject to a maximum imprisonment of 25 years, a substantial fine, or both. Child sexual abuse is a felony with penalties being substantial fines, imprisonment for up to 25 years, or both.

The Attorney General's office reported three cases of pedophilia during the year. The perpetrators in two of the two cases pleaded guilty and were in jail; the third case was ongoing as of December 31.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were reportedly fewer than 20 persons in the Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical or mental disabilities. The law covers persons with mental and physical disabilities, and the government enforced these acts. The law includes a provision for access to government buildings for persons with disabilities, and the government generally enforced this provision, though most older government buildings were not accessible for persons with disabilities. Most public schools had programs to address the education needs of students with disabilities that included mainstreaming them with other students. Issues regarding persons with disabilities are coordinated with the Ministry of Education as well as the Ministry of Health. NGOs like Omekesang and Palau Parent Network also collaborate with these ministries in providing additional assistance to persons with disabilities.

Qualified disabled adults may vote. An authorized representative of the voter needs to file a request by the disabled voter for an absentee ballot to enable an authorized person from the Election Commission to go to the voter's home and take his or her vote with a witness.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws addressed sexual orientation and gender identity. There were no reports of violence or discrimination based on sexual orientation or gender identity.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all persons to join and organize labor unions and to bargain collectively; no laws regulate trade union organization. The law neither provides for nor prohibits the right to strike, and the government has not addressed this issue. There is no law barring antiunion discrimination. The government enforced the laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

There were no active labor unions or other employee organizations. The majority of businesses were small-scale, family-run enterprises employing relatives and friends.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for forced labor offenses include imprisonment, fines, or both. By allowing fines in lieu of imprisonment, these penalties were not commensurate with those for analogous crimes, such as kidnapping. The Office of the Attorney General, the Bureau of Public Safety, and the Bureau of Labor and Human Resources (all within the Ministry of Justice) are responsible for enforcing the law. The government did not effectively enforce the law.

There were reports some recruiters forced foreign workers, particularly domestic

helpers, unskilled construction laborers, and workers in the tourism industry, to accept jobs other than what they had been recruited for. Employers conspired with recruiters, verbally threatened migrant workers, and withheld passports, return tickets, and salaries.

Abuses most commonly reported included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and substandard food and housing. There were also complaints of physical abuse. See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor. The minimum age of employment for citizens is 16, and the minimum age for noncitizens is 21, excluding entertainers applying for temporary identification certificates. The law requires the government to protect children from exploitation. The Office of Labor Compliance is responsible for enforcing child labor laws and regulations. The government effectively enforced the law, and the penalties were commensurate with those for analogous serious crimes, such as kidnapping. There were no reports of children who worked in the formal economy, but some assisted their families with fishing, agriculture, and small-scale family enterprises.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination with respect to employment or occupation based on race, sex, marital status, place of origin, religion, disabilities, or political grounds. The law protects women from job discrimination and provides for equal pay for equal work. The Office of Labor Compliance and the Bureau of Human Resources promoted workplace gender equality. The law does not prohibit discrimination with respect to employment or occupation based on sexual orientation or gender identity, or HIV or other communicable disease status. No formal or documented reports of employment discrimination were reported, but if there is discrimination with regards to unfulfilled contractual terms of employment, an employee may go to the Office of Labor Compliance or Bureau of Human Resources for assistance.

The government effectively enforced these laws. Penalties were commensurate with laws related to civil rights, such as election interference.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage for both government and private-sector employment was above the poverty line.

The minimum wage does not apply to the informal sector, including, for example, domestic service, some categories of agricultural labor, and NGO work. It also does not apply to employees who are students, or temporary or probationary work by students and persons younger than 21. According to the law employers are subject to a civil penalty for noncompliance with minimum wage requirements, in addition to the amount of taxes, social security contributions, and interest on unpaid wages. Penalties for violations of minimum wage laws were commensurate with those for similar crimes, such as fraud.

The workweek for public employees is 40 hours a week. For private sector employees it depended on the terms of the contract; the legal minimum time off is at least one day per week. Foreign workers in the private sector were entitled to one day off per week, consisting of 10 continuous hours without work between 6 a.m. and 6 p.m.

There were continued reports of the mistreatment of foreign workers by their employers. The Labor Office may inspect workplace conditions and employer-provided housing on the specific complaint of an employee, but enforcement was inconsistent, and working conditions varied. Migrant workers most likely to be abused were those who worked under contracts as domestic helpers, farmers, waitresses, cashiers, beauticians, hostesses in karaoke bars and massage parlors, construction workers, and other semiskilled workers, the majority of whom were from the Philippines, China, Bangladesh, Japan, and the Republic of Korea. Local workers were employed in the government sector, while migrant workers worked in the private sector, mainly in tourism.

Occupational Safety and Health: The law states that employers shall adopt reasonable and adequate occupational safety and health rules; it does not set safety and health standards. No law protects workers who file complaints about

hazardous conditions. Foreign workers may self-censor complaints due to fear they could lose their job if they removed themselves from situations that endangered health or safety.

The Office of Labor Compliance had eight labor officers/inspectors responsible for enforcing minimum wage laws, regulations regarding working conditions of foreign employees, and safety standards. The government did not effectively enforce the law. The number of inspectors was insufficient to enforce compliance. Inspectors have the authority to make unannounced inspections and initiate sanctions. Penalties for violations of acceptable conditions of work rules include a range of fines per violation and imprisonment; these were commensurate with those for crimes like negligence.

There were no reports of significant industrial accidents.

Informal Sector: Informal sector workers were not protected under the law. The informal sector included self-employment jobs such as cleaners, caterers, tour guides, local jewelry makers, painters, and recyclers.